

RESOLUTION

CASE NO. SUP-0011-2016. JACK L. MASSIE CONTRACTOR

SPECIAL USE PERMIT AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board"), has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, on February 18, 1992, the Board approved Case No. SUP-0026-1991, permitting a borrow pit on property located at 5701, 5977 and 5979 Centerville Road, further identified as James City County Real Estate Tax Map Nos. 3110100079A, 3020100006A and 3020100007, respectively, and one parcel without an address identified as James City County Real Estate Tax Map No. 3020100006 (collectively, the "Property"); and

WHEREAS, Ms. Caitlin King has applied on behalf of J.S.G. Corporation (the "Owner") to amend SUP-0026-1991; and

WHEREAS, on September 13, 2016, the Board approved Case No. SUP-0008-2015, permitting the operation of a contractor's office, the manufacture of wood and/or wood products, storage of petroleum and storage and/or repair of heavy equipment on the Property; and

WHEREAS, the conditions of Case No. SUP-0008-2015 include a restriction on disturbed area on the Property which modifies Condition No. 2 of SUP-0026-1991; and

WHEREAS, the Planning Commission, following its public hearing on August 3, 2016, voted 7-0 to recommend approval of this application; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0011-2016; and


WHEREAS, the Board finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations of Section 24-9 of the County Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Case No. SUP-0011-2016 as described herein, which amends and supersedes Case No. SUP-0026-1991, with the following conditions:

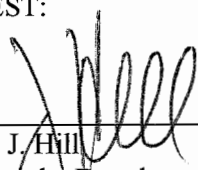
1. All erosion and sedimentation control measures shown on the Land Disturbing Permit shall be installed prior to any clearing or grading of any cell.
2. Inert materials such as broken concrete, bricks, blocks, broken roadway and unsuitable soil removed from Jack L. Massie job sites may be used to refill the cells. Non-inert materials shall not be disposed of on this site. If it is determined that non-inert materials are being disposed of on site, the SUP shall become void.

3. A 50-foot-buffer shall be provided on all Resource Management Area (RMA) wetlands as defined in Section 19B-3 of the James City County Code.
4. Prior to the commencement of any work within a cell, a Phase I Archaeological Study for that cell shall be submitted to the Director of Planning for his review and approval. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer shall undertake a Phase II and/or Phase III study of archaeological sites identified in the Phase I Study, if identified by the Phase I Study as warranting Phase II or Phase III Study. Such studies shall be submitted to and approved by the Planning Director prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II Study, the Planning Director determine the site is eligible for inclusion in the National Register of Historical Places based on the Criteria established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.
5. A right- and left-turn lane shall be installed to the Virginia Department of Transportation standards at the proposed entrance of the site within 18 months from the date of issuance of this permit in the location shown on the Master Plan prepared by AES and dated July 1991. The existing entrance to the site as identified on the Master Plan shall be abandoned when the new entrance is completed. The location of this entrance may be shifted; however, such a shift shall be approved by the Planning Director.
6. A gate shall be provided on the proposed entrance road no further than 200 feet from Centerville Road. The Planning Director may waive this requirement if evidence is presented that due to topographic and safety constraints the entrance must be placed further than 200 feet from Centerville Road.
7. A 100-foot undisturbed buffer shall be provided on the eastern boundary of that area shown as Cell Bon the Master Plan prepared by AES and dated July 1991. An undisturbed buffer shall be provided along Centerville Road as shown on the Master Plan. A 50-foot undisturbed buffer shall be provided on the perimeter of the remainder of the site.
8. The hours of operation shall be limited to daylight hours (6 a.m. to 9 p.m. in the summer, 6 a.m. to 6 p.m. in the winter), Monday through Saturday.
9. A reforestation plan for each cell on the site shall be approved by the Virginia Department of Forestry Area Forester prior to the commencement of land disturbing on the next cell. A mixture of hardwoods and softwoods to reflect the current species ratio shall be provided. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings an acre shall be planted during the reclamation of the cell.

10. The buffer areas shall be staked in the field prior to clearing so the operators know the limits of their work.
11. The maximum side slope of all reclaimed areas shall be 3:1 or flatter.
12. Berms and sediment traps shall be provided to protect wetlands above Dry Ponds 1 and 3 as shown on the Master Plan prepared by AES and dated July 1991. These facilities shall be placed around the perimeter of all disturbed areas adjacent to these wetlands. The design of these facilities shall be incorporated into and approved by the Director of Code Compliance as part of the site plan for the project.
13. All property along Centerville Road, necessary for the four laning of the road, shall be dedicated to the County at its request.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2016.

SUP11-16JLMassieAmend-res